

Message Text

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PAGE 01 STATE 051373
ORIGIN IO-04

INFO OCT-01 ISO-00 /005 R

66011

DRAFTED BY: IO:PBUNGE:AT

APPROVED BY: IO:PBUNGE

-----090702Z 080396 /21

R 082232Z MAR 77

FM SECSTATE WASHDC

TO USMISSION GENEVA

LIMITED OFFICIAL USE STATE 051373

FOLLOWING REPEAT SANTIAGO 1777 TO SEC STATE MAR 04, 1977

QTE LIMITED OFFICIAL USE SANTIAGO 1777

E. O. 11652: N/A

TAGS: SHUM, CI

SUBJECT: HUMAN RIGHTS REPORTING TO THE CONGRESS: RECENT DEVELOPMENTS
IN CHILE

REF: STATE 046674

1. REFTEL REQUESTS REPORTS ON HUMAN RIGHTS DEVELOPMENTS IN
NEARLY 80 COUNTRIES RECEIVING SECURITY ASSISTANCE. EVEN THOUGH
THE DEPARTMENT HAS NO OBLIGATION TO SUBMIT AN UNCLASSIFIED REPORT
TO THE CONGRESS ON NON-RECEIPT COUNTRIES SUCH AS CHILE, THE
FOLLOWING UNCLASSIFIED OBSERVATIONS ON THE CURRENT CHILEAN SCENE
MAY PROVE USEFUL.

2. DETENTIONS/DISAPPEARANCES: THE GOC ACKNOWLEDGES HOLDING ONLY
ONE PERSON UNDER PREVENTIVE DETENTION AS PROVIDED BY EMERGENCY
POWERS (JORGE MONTES, WHOM THE GOVERNMENT HAS OFFERED TO RELEASE
IF THE CUBAN REGIME FREES HUBERTO MATOS). FURTHER, THE NUMBER
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OF THOSE IMPRISONED AFTER SENTENCE FOR INTERNAL SECURITY-TYPE
OFFENSES WAS MARKEDLY REDUCED DURING 1976. WHILE HUNDREDS OF
PERSONS HAVE DISAPPEARED UNDER MYSTERIOUS CIRCUMSTANCES, SO FAR
DURING 1977 ONLY ONE HABEAS CORPUS PETITION HAS BEEN FILED ON
BEHALF OF A PERSON (A 35-YEAR-OLD MALE) IN THIS CATEGORY. WE
HAVE HEARD NO REPORTS OF TORTURE OCCURRING SO FAR THIS YEAR.

3. JUDICIARY: MOREOVER, THE CHILEAN CIVILIAN JUDICIARY DURING THE PAST WEEKS HAS PURSUED WITH VIGOR A NUMBER OF LEGAL PROCEEDINGS BASED UPON HABEAS CORPUS PETITIONS: (A) AN APPEALS COURT ORDERED A SPECIAL JUDGE TO INVESTIGATE THE FATE OF EIGHT OF 13 PEOPLE MISSING SINCE MID-DECEMBER 1976; (B) ON MARCH 3 THE SUPREME COURT OFFICIALLY PUT THE PRESIDENT ON NOTICE THAT THE MINISTRY OF INTERIOR REPEATEDLY HAD REFUSED TO RESPOND TO A SPECIFIC QUESTION REGARDING A DISAPPEARANCE, AND ASKED HIM TO ENSURE COMPLIANCE WITH THE COURT'S QUERY; AND, (C) THE SUPREME COURT IS EXPECTED TO DECIDE SOON ON AN APPEALS COURT DECISION THAT THE GOVERNMENT HAS FAILED TO RELEASE A PERSON DETAINED BY GOVERNMENT AGENTS. IN A FREEDOM OF THE PRESS CASE, THE SUPREME COURT IS ENTERTAINING AN APPEAL FILED BY A RADIO STATION OF A LOWER COURT DECISION INVOLVING THE CLOSURE OF THE STATION FOR AN INDEFINITE TIME, I.E., THE DURATION OF THE PERIOD OF EMERGENCY.

4. LEGAL SITUATION: THE CURRENT EXTENSION OF THE STATE OF SIEGE EXPIRES MARCH 11. UNLESS AMENDED, CONSTITUTIONAL ACT NO. 4, DEALING WITH PERIODS OF EMERGENCY AND PROMULGATED SEPTEMBER 13, 1976, WILL COME INTO EFFECT ON THAT DAY OR THE NEXT. THE ACT ALSO STATED THAT IMPLEMENTING REGULATIONS WOULD COME INTO EFFECT AT THE SAME TIME. SINCE THE REGULATIONS HAVE NOT YET APPEARED, AND THE GOC HAS GIVEN NO INDICATION OF ITS INTENTIONS WHEN THE PRESENT EMERGENCY PERIOD TERMINATES, THE SITUATION IS UNCERTAIN.

5. BEGIN LIMITED OFFICIAL USE. THE EMBASSY WOULD HAVE NO OBJECTIONS TO MAKING AVAILABLE TO THE CONGRESS ON AN UNCLASSIFIED BASIS THE FOREGOING INFORMATION (DRAWN FROM RECENT CLASSIFIED LIMITED OFFICIAL USE

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REPORTING). ALTHOUGH IT IS PREMATURE TO REACH CONCLUSIONS REGARDING THE SIGNIFICANCE OF THE JUDICIARY'S NEW SPUNK, THE EVIDENCE BUILDS THAT THE COURTS HAVE BEEN STUNG BY THE MANY WELL-FOUNDED CHARGES OF THEIR PREVIOUS INEFFECTIVENESS. POPPER UNQTE VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, PROGRESS REPORTS, INVESTIGATIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 08-Mar-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE051373
Document Source: CORE
Document Unique ID: 00
Drafter: IO:PBUNGE:AT
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770080-0723
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770381/aaaactff.tel
Line Count: 102
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: d71bfebb-c288-dd11-92da-001cc4696bcc
Office: ORIGIN IO
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 STATE 46674
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 09-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3172850
Secure: OPEN
Status: NATIVE
Subject: HUMAN RIGHTS REPORTING TO THE CONGRESS: RECENT DEVELOPMENTS IN CHILE
TAGS: SHUM, CI
To: GENEVA
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/d71bfebb-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009